

**State of New Hampshire Insurance Department  
56 Old Suncook Road  
Concord, New Hampshire 03301-7317**

**Paula T. Rogers  
Commissioner**

**BULLETIN  
Docket No.: INS NO. 02-025-AB**

**TO:** All Licensed Workers' Compensation Carriers **DATE:** October 16, 2002  
**FROM:** Paula T. Rogers, Insurance Commissioner  
**RE:** **CLARIFICATION OF RSA 412:10 – Prohibitions – Effective July 15, 2002**

**RSA 412:10 Prohibitions:**

I. Subject to paragraph II, no such insurer shall issue, renew, or carry any insurance against liability under the workers' compensation law at premium rates which are greater or less than or different from those so approved by the commissioner.

- ***Absent prior approval by the Department, the final premium charged by an insurer shall not exceed the final premium that would be charged to that risk by the assigned risk plan.***

II. Upon the written petition of an insured whose workers' compensation premium prior to the application of this paragraph is at least \$25,000, the commissioner may, for good cause, approve a premium for that insured only which is in excess of the premium the insured would pay in the New Hampshire workers' compensation assigned risk plan.

- ***With prior Department approval, insureds may elect to pay a premium greater than that charged by the assigned risk plan.***

The petition shall specify the reasons why it should be granted and shall include a statement that the insured is aware that coverage could be obtained at a lower rate, in the assigned risk plan.

- ***Petition shall be signed by the insured.***
- ***Copy of debit worksheet schedule shall be attached to the petition.***

The petition shall be filed no less than 30 days after the effective date of coverage to be provided by the policy rated under this paragraph.

- ***If the effective date of the policy is different than the anniversary rating date, a petition shall be filed for the short-term policy period and a separate petition shall be filed for the full-term policy period beginning on the next anniversary rating date.***
- ***A new petition, with accompanying documents, shall be submitted to the Department for each policy renewal period.***

The petition shall be deemed approved unless the commissioner, or designee, denies the same within 30 days of filing.

The premium approved or deemed approved hereunder shall not exceed the maximum which would be charged based on application of the insurer's highest loss cost multiplier, schedule debit or other approved rating mechanism.

Failure to secure approval hereunder shall enable the insurer to cancel the policy upon 30 days notice to the insured, the provisions of RSA 281-A:9 notwithstanding.

If the petition is denied, the insurer shall charge no more than the premium rates which would have applied had the insured been written in the assigned risk plan.

- ***This applies to both short-term and anniversary date policies.***

III. Refusal by a risk to be placed into the assigned risk pool, for whatever reason is not sufficient for consent to rate the insured.